

---

---

**UNITED STATES DISTRICT COURT****EASTERN DISTRICT OF TEXAS**

---

---

MARLO D. PERSONS,

Plaintiff,

*versus*

CHIBUIKE NWANI,

Defendant.

§  
§  
§  
§  
§  
§  
§  
§

CIVIL ACTION NO. 9:22-CV-138

**ORDER ADOPTING THE MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Marlo D. Persons, a prisoner previously confined at the Wainwright Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Chibuike Nwani.

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. On August 12, 2024, the magistrate judge recommended denying Defendant's Motion for Partial Summary Judgment with respect to Plaintiff's claims for compensatory damages, and granting the motion with respect to the claims against Defendant in his official capacity and the claim of a fabricated disciplinary charge. Proper notice was given to Plaintiff at his last known address. To date, the parties have not filed objections to the report.

The court received and considered the Report and Recommendation of United States Magistrate Judge pursuant to such referral, along with the record, pleadings and all available

evidence. After careful review, the court finds that the findings of fact and conclusions of law of the United States Magistrate Judge are correct.

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the Report and Recommendation of United States Magistrate Judge (#41) is **ADOPTED**. Defendant's Motion for Partial Summary Judgment (#29) is **GRANTED**, in part, and **DENIED**, in part. The claim concerning an allegedly fabricated disciplinary charge and the claims against Defendant in his official capacity are **DISMISSED** from this action.

SIGNED at Beaumont, Texas, this 6th day of September, 2024.

A handwritten signature in black ink, reading "Marcia A. Crone", is positioned above a horizontal line.

MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE